

6-11-15

**CITY OF TAUNTON
ZONING BOARD OF APPEALS
June 11, 2015 – 6:00 pm.**
(held at Maxham School, 141 Oak St, Taunton, Ma.)

Members Present: Dennis Ackerman, Wayne Berube, Michael Staples, George Moniz, Joseph Amaral, and Steven Figueiredo.

Meeting opens at 6:04 PM

Chairman Ackerman explained the ZBA process. He stated the petitioner presents their case, then they hear in favor and the opposition. They allow petitioner to address any of the opposition's concerns. They do not go back and forth.

Case # 3277 Resendes 31 Codding Dr.

For: A Special Permit from Section 5.2 of the Zoning Ordinance to allow an accessory dwelling unit and Variance from Section 7.9 #4 for the accessory dwelling unit to be over the allowed 30% habitable floor area .

For the Petitioner: Paul Patneau, P.E., Earth Services Corp., 198 Crane Ave., Taunton, Ma.

In favor: None
Opposed: None

Paul stated they are proposing an in-law for mom consisting of living room, kitchen, bedroom and bathroom. This will be independent of the main home. No one in favor or opposed. Letters from Conservation Commission, B.O.H., and City Planner.

Motion made and seconded to grant as presented:

Vote: Moniz, Berube, Amaral, Staples, Figueiredo..... Yes

Petition Granted.

Case #3279 Chaves Ashleigh Terrace (Prop. I.D. 80-44)

For: A Special Permit from Section 7.9 of the Zoning Ordinance for an accessory dwelling unit in an Urban Residential District.

For the Petitioner: David Chaves, 186 Ashleigh Terr., Taunton, Ma.

In favor: None
Opposed: None

Mr. Chaves states he is seeking permission to add an accessory dwelling unit for his mom. His dad passed away and she is living alone. This will be new construction and will have water and sewer. No one in favor or opposed. Letters from the B.O.H., Conservation Commission, and City Planner were read into the record.

Motion made and seconded to grant as presented:

Vote: Moniz, Berube, Amaral, Staples, Ackerman, Yes

Petition Granted.

#3273 Schroeder 278 County St.

For: A Special Permit from Section 5.3.4 to allow the extension of a pre-existing non-conforming use (hair salon) by allowing a 26'6" x 21'6" addition.

For the Petitioner: John DeLano, P.E., 27 Jefferson Street, Taunton, Ma.
Paul Schroeder, 170 Powhattan Dr., E. Taunton, Ma.

In favor: None
Opposed: None

John explains how the petitioner wishes to put addition onto the existing beauty salon. The addition will be in front and it will not occupy any parking area. The parking is located on the side. They are putting addition to make it handicapped accessible. There is an apartment to the right. They will be moving the entrance. There will be no more hair stylists that what is there now. Wayne asked if they would be adding more parking and they answered no. George pointed out there is plenty of room and if they had to add more parking they can in the back. No one in favor or opposed. Dept. Letters from Conservation Commission, B.O.H. and City Planner were read into the record.

Motion made and seconded to grant as presented:

Vote: Staples, Berube, Moniz, Ackerman, Amaral, Yes

Petition Granted.

Case #3274 Leonard 265 Bay St.

For: A Variance from Section 5.2 to allow the addition of auto sales in conjunction with the exiting auto repair .

For the Petitioner: Jessica Leonard, 2 Twin Brook Lane, Taunton, Ma.

In favor: Atty. John Zajac, 170 High St., Taunton, Ma.
Jessica Leonard, 21 Plain St. Taunton, Ma.

Opposed: None

Atty. Zajac stated the petitioner wishes to add auto sales to the existing auto repair shop. They are looking for a maximum of 10 and need ZBA approval. They proposing to have a few cars displayed and buy wholesale. He states it will not be a detriment to the neighborhood. They must come before the ZBA and if approved go back to Council for license. George asked where would they be displayed? Atty. Zajac answers on plans 4 in front. There is a 2 bay garage on the right side. George said its only 9 feet to rear. Joe asked if on plans S is for storage and D for display. Mike stated letter with application you ask for 1-4 vehicles. Ms. Leonard there is 4 spots in front and the rest can be in back. The tow trucks (9) are brought home by driver so they are no left on this property. Wayne asked why the parking is horizontal? Joe stated the DIRB might change that? Ms. Leonard stated there is a driveway on right side of property. Letters from the City Planner, Conservation Commission, and Board of Health were read into the record. No one in favor or opposed. George suggests having 4 in front and no more than 4 in rear.

Motion made and seconded to grant with the following conditions:

- That no more than 4 vehicles for sale displayed in front.
- That no more than 4 vehicles for sales stored in the rear of building.

Vote: Ackerman,, Amaral, Staples, Berube, Moniz, Yes

Petition Granted.

Case #3275 Bettencourt 227 & 239 Richmond St.

For: A Variance from Section 6.3 to modify the lot lines of 227 Richmond St. & 239 Richmond St. two pre-existing non-conforming parcels resulting in 239 Richmond Street having 32,679 sq. ft. of lot area & dry area (instead of 60,000 sq. ft. & 43,560 sq. ft. dry

- Single family only on new lot.

Vote: Staples, Amaral, Ackerman, Berube, Moniz... Yes.

Motion passed.

There was concern over the re-consideration vote.

Case #3280 Connors 216 High St.

For: A Special Permit from Section 5.2 of the Zoning Ordinance for a single family dwelling in an Industrial District.

For the Petitioner: Brian Connors, 305 Britton St., Raynham, Ma.

In favor: None

Opposed: None

Mr. Connors states he wishes to convert the existing commercial building (Ice House) to a single family dwelling. He stated there will be no changes to exterior. It was asked how big and he said about 4,000 square feet. The Board asked if he was favorable and he had no issue with it being single family only. No one in favor or opposed. Letters from the B.O.H., Conservation Commission, and City Planner were read into the record.

Motion made and seconded to grant with the following condition:

- Single family only.

Vote: Moniz, Berube, Amaral, Staples, Ackerman, Yes

Petition Granted.

Case #3278 Giatis Inc. 983 County St.

For: A variance from Section 7.3.1 of the Zoning Ordinance for the reduction of parking from 100 spaces to 34 spaces for a total of 200 seats (for 2 eating establishments)

For the Petitioner: Atty. John-Paul Thomas, 98 County St., Taunton, Ma.

In favor: None

Opposed: None

Atty. Thomas explains they are requesting a waiver of parking from 100 spaces to 34 spaces. This is for the increase in seats to 200 seats for the two restaurants (Dunkin Donuts & sit down restaurant) Atty. Thomas states they had a convenience store so they added that space to the existing sit down restaurant. Dunkin Donuts is in front and Sit down restaurant (mediterranean Grill) is in rear. Atty. Thomas states the building is large enough, sprinkled and there will be no burned on abutting properties. The property is surrounded by restaurants & retail in rear. It's across from State DPW and B P entrance. They have shared access to Olive Garden & Smoky Bones. He stated he has an additional 13 spaces on Olive Garden property which was not included in the total parking. Dennis asked what is the current parking and Atty. Thomas answers 34 spaces. But they have 13 spaces they can use next door (olive garden) Atty. Thomas is asking for 166 seats for the sit down restaurant. Mike asked how many additional parking spaces they have on other property and Atty. Thomas answer 13. Joe stated is it an agreement between developers? George asked if they were adding parking to accommodate for the additional seats? Atty. Thomas answers no. He stated multiple people come in one car. Dunkin Donuts doesn't necessarily cater to sit down customers most is through the drive-thru. Chairman Ackerman read comments from B.O.H., Conservation Commission, and City Planner were read into the record. Dennis was thinking between 160 – 180 seats and putting restriction on Dunkin Donuts as per the City Planner's letter. No one in favor or opposed.

Motion made and seconded to grant with the following conditions:

- The parking requirement for the Dunkin Donuts be reduced from the required 17 spaces for 34 seats to 5 spaces for 34 seats. This waiver would be for a Dunkin Donuts use ONLY. Any new restaurant or change of use in this space would result in an expiration in this waiver and require a new filing with the ZBA.
- The sit down restaurant be granted a waiver to have 150 seats with the then remaining 42 parking spaces available.
- That there be no additional business located on the site (ie a 3rd business) in conjunction with the Dunkin Donuts and the sit down restaurant.

Vote: Moniz, Berube, Amaral, Staples, Ackerman, Yes

Petition Granted.

Meeting adjourned at 7:35 pm.